

# PRIVACY ACT

ANNUAL REPORT TO PARLIAMENT 2011-2012



ABORIGINAL AFFAIRS  
AND NORTHERN DEVELOPMENT  
CANADA

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# INTRODUCTION

## I. Introduction

The purpose of the *Privacy Act (PA)* is to protect the personal information of individuals held by federal institutions, and to provide individuals with a right of access to that information.

This report, prepared and submitted to Parliament pursuant to section 72 of the *Act*, describes the activities of Aboriginal Affairs and Northern Development Canada (AANDC) that support compliance with privacy legislation. The report details the activities and accomplishments of AANDC's Access to Information and Privacy (ATIP) Directorate, including highlights such as:

- Full compliance with the *Act* and zero deemed refusals since Q3 2011-2012;
- Reconstituting the Privacy Policy Unit and establishing various departmental privacy guidelines; and
- Expanded training initiatives to increase departmental Privacy capacity and awareness.

## Our Department

AANDC supports Aboriginal peoples (First Nations, Inuit and Métis) and Northerners in their efforts to:

- Improve their social well-being and economic prosperity;
- Develop healthier, more sustainable communities; and
- Participate more fully in Canada's political, social and economic development – to the benefit of all Canadians.

AANDC is the federal department primarily responsible for meeting the Government of Canada's obligations and commitments to First Nations, Inuit and Métis, and for fulfilling the federal government's constitutional responsibilities in the North. AANDC's overall mandate and wide-ranging responsibilities are shaped by centuries of history and unique demographic and geographic challenges. The mandate is derived from the *Constitution Act 1982*, the *Indian Act*, the *Department of Indian Affairs and Northern Development Act*, territorial Acts, treaties, comprehensive claims and self-government agreements, as well as various other statutes affecting Aboriginal people and the North.

Most of the department's programs, representing a majority of its spending, are delivered through partnerships with First Nation and Aboriginal communities and federal-provincial or federal-territorial agreements. AANDC also works with urban Aboriginal people, Métis and non-status Indians (many of whom live in rural areas) through the Office of the Federal Interlocutor.

## II. Organization

## ATIP Directorate at AANDC

The ATIP Directorate is responsible for the administration of requests made under the *Act*, for personal information as well as for Privacy policy within the department and approval of all disclosures of personal information under the *Act*. It was established within the Corporate Secretariat and reports to the Corporate Secretary, who is directly accountable to the Deputy Head and is a member of the AANDC Senior Management Committee (SMC). The Directorate also coordinates and implements policies, guidelines and procedures to ensure departmental compliance with the *Act*. Workshop presentations, training courses and awareness sessions designed to increase access to information and privacy capacity across the Department are also provided by the Directorate.

The Directorate is comprised of two sections, the Operations and Privacy Policy. While the Operations Unit handles incoming requests for record review, the Privacy Policy Unit's role is to provide critical privacy advice to new initiatives, resulting in changes that will improve privacy protection in departmental programs. Policies and procedures continue to be established to ensure that privacy is considered throughout the life cycle of AANDC's programs and that informed policy decisions are made concerning the collection and use of personal information.

The AANDC Privacy Policy Unit provides advice and guidance to the Department on a number of topics:

- i. Conducting departmental Privacy Impact Assessments (PIAs)
- ii. Advising on permissible disclosures of personal information pursuant to subsection 8(2) of the *PA*
- iii. Including and using appropriate *PA* Statements on Data Collection Instruments (DCIs)  
Example: forms, surveys, etc.
- iv. Updating Info Source and instructing in the preparation and registration of Personal Information Banks (PIBs) and their related Classes of Records (CORs)
- v. Educating and promoting awareness of privacy and privacy-related issues throughout the Department
- vi. Meeting the requirements of the *PA* and its related policies regarding the sharing of personal information when preparing Memoranda of Understanding (MOUs)

The Privacy Policy Unit comprises the following positions:

- **Director** (EX-01), who, as institutional ATIP Coordinator, holds full delegated authority under the *Act*,
- **Privacy Manager** (PM-05), who is responsible for the oversight of the Privacy Policy Unit team. Other functions include the development and monitoring of the Privacy policy function within AANDC, the review of completed requests, and training and capacity building;

- Two **Privacy Policy Technical Advisors** (PM-04), who advise and guide departmental officials and specialists on systems implications of the PIA policy, PIBs and the Info Source index;
- **Privacy Policy Advisor** (AS-04), who provides analytical and advisory services regarding Privacy issues (including analysis of PIAs), and develops Memoranda of Understanding (MOU);
- **Privacy Policy Project Officer** (PM-03), who reviews, assesses and registers departmental collections of personal information for storage in PIBs and inclusion in Info Source;
- **Privacy Policy Officer** (PM-02), who provides administrative support and services related to the implementation and maintenance of a program of structured and ongoing assessments of all electronic and manual paper-based systems throughout AANDC; and
- **Privacy Policy Technical Officer** (AS-02), who provides administrative services and activities in support of the Manager of the Privacy Policy Unit, as well as the overall administrative support to the unit.

During the 2011-2012 reporting period, the Privacy Policy Unit was challenged by staff turnover resulting in an almost completely vacant unit.

### III. Delegation Order

Under section 73 of the *Act*<sup>1</sup>, the Minister's authority is delegated to departmental officials in order to administer the *Act* within AANDC.

At the outset of the reporting period, a delegation order dated November 3, 2010 was still in effect following the Department's recent transition to Minister John Duncan (Appendix A). This delegation order designated the following positions as having the authority to administer the *PA*:

- Corporate Secretary
- Departmental ATIP Coordinator
- Designated officers to act in place of the above position holders in their absence

A new delegation order was signed by Minister Duncan on August 30, 2011 (Appendix B). Under section 73 of the *Act*, the order delegated full authority and responsibility for the *PA* to the same positions as above, as well as to the Associate Deputy Minister and the Deputy Minister.

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<sup>1</sup>*Privacy Act, R.S.C., 1985, c. P-21, p.43*

# STATISTICS

## IV. Interpretation of the Statistical Report

This year marks the first time government institutions used an expanded form for statistical reporting. AANDC's Statistical Report was submitted to the Treasury Board Secretariat (TBS) on April 30, 2012 (Appendix C). The Report details various aspects of the requests AANDC received and processed during the period of April 1, 2011 to March 31, 2012. Many federal institutions are observing an increase in requests received under the *Privacy Act* as well as greater scrutiny of their performance with respect to legislation. AANDC undoubtedly experienced this upward trend when it received 162 more requests than the previous fiscal year, or a 239% increase in volume.

### Part 1. Requests under the *Privacy Act*

In 2011-12, AANDC received 237 requests under the *Act* in addition to the 15 requests carried over from the previous year, totaling 252 requests. The ATIP Directorate completed 222 requests and will carry 30 requests over into the 2012-2013 fiscal year.

### Part 2. Requests closed during the reporting period

#### 2.1 Disposition and completion time

AANDC was able to disclose records, either in their entirety or in part, 150 times (67.6%) out of the total 222 requests closed during the reporting period. In these cases, the majority of requests (104, or 69.3%) took less than 30 days to complete (Table 2.1).

Table 2.1. Disposition and completion time of requests made under the *Privacy Act*

Disposition of requests	Completion Time							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
All disclosed	7	9	5	1	1	0	0	23
Disclosed in part	6	82	26	10	0	3	0	127
All exempted	1	0	0	0	1	0	0	2
All excluded	0	0	0	0	0	0	0	0
No records exist	12	30	7	0	1	0	0	50
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	14	3	3	0	0	0	0	20
<b>Total</b>	<b>40</b>	<b>124</b>	<b>41</b>	<b>11</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>222</b>



## 2.2 Exemptions

The provision under section 26 of the *Act* (personal information) was the most commonly used exemption during the reporting period and was applied in 114 requests (Table 2.2). The exemption under section 27 was applied three times to exempt personal information that is subject to solicitor-client privilege.

**Table 2.2. Number of requests closed where exemption provisions were invoked**

Section	Number of requests	Section	Number of requests	Section	Number of requests
18(2)	0	22(1)(a)(i)	1	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	1	24(b)	0
19(1)(d)	1	22(1)(c)	1	25	0
19(1)(e)	0	22(2)	0	26	114
19(1)(f)	0	22.1	0	27	3
20	0	22.2	0	28	0
21	0	22.3	0	<b>Total</b>	<b>121</b>

## 2.3 Exclusions

No exclusion provisions were applied to requests that were closed in 2011-2012.

## 2.4 Format of information released

Over the course of the reporting period, there was an increasing emphasis on the retrieval and disclosure of records in electronic formats (Table 2.4). As of Q2, the vast majority of responses were provided to the requester in CD ROM format. In exceptional cases where the scanning of records rendered portions difficult to read, paper copies were provided in keeping with the duty to assist. In total, AANDC conveyed response packages electronically in 144 (96.0%) requests where records were disclosed.

**Table 2.4. Format of information released**

Disposition	Paper	Electronic	Other formats
All disclosed	2	21	0
Disclosed in part	4	123	0
<b>Total</b>	<b>6</b>	<b>144</b>	<b>0</b>

## 2.5 Complexity

As part of the new Statistical Report format, several factors affecting the complexity of requests were also captured.

### 2.5.1 Relevant pages processed and disclosed

In 2011-2012, the ATIP Directorate retrieved and reviewed 41,950 pages of records under the control of the Department (Table 2.5.1). Approximately one-third (13,315 pages or 31.7%) of these records were disclosed partially or in their entirety.

In some cases, backlog requests were abandoned by the requester, either because they were no longer interested or because they agreed to open a new request with a revised scope.

**Table 2.5.1. Relevant pages processed and disclosed**

Disposition of requests	Number of Pages processed	Number of Pages disclosed	Number of requests
All disclosed	1,901	773	23
Disclosed in part	40,014	12,542	127
All exempted	27	0	2
All excluded	0	0	0
Request abandoned	8	0	20
<b>Total</b>	<b>41,950</b>	<b>13,315</b>	<b>172</b>

### 2.5.2 Relevant pages processed and disclosed by size of requests

Where records were retrieved in response to a request, 120 (69.8%) of these requests required 100 pages of processing or less (Table 2.5.2). Conversely, the ATIP Directorate also processed several higher volume requests: seven requests required the review of between 501 and 1,000 pages while five requests required processing up to 5,000 pages.

**Table 2.5.2. Relevant pages processed and disclosed by size of requests**

Disposition	Less than 100		101-500		501-1000		1001-5000		More than 5000	
	Pages processed		Pages processed		Pages processed		Pages processed		Pages processed	
	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed
All disclosed	19	193	3	520	1	60	0	0	0	0
Disclosed in part	79	1,109	37	4,604	6	1,901	5	4,928	0	0
All exempted	2	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	20	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>120</b>	<b>1,302</b>	<b>40</b>	<b>5,124</b>	<b>7</b>	<b>1,961</b>	<b>5</b>	<b>4,928</b>	<b>0</b>	<b>0</b>

### 2.5.3 Other complexities

In four cases, the ATIP Directorate required external consultations before completing the privacy request (Table 2.5.3).

**Table 2.5.3. Other complexities related to requests closed during reporting period**

Disposition	Consultation	Legal advice	Interwoven	Other	Total
	required	sought	information		
All disclosed	0	0	0	0	0
Disclosed in part	4	0	0	0	4
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>

### 2.6 Deemed refusals

AANDC incurred several deemed refusals in the first half of the reporting period, including five late privacy requests that were carried over from the previous year. All deemed refusals were completed before the end of 2011-2012.

### 2.6.1 Reasons for not meeting statutory deadline

The primary reason for not meeting statutory deadlines was due to excessive workload within the ATIP Directorate. During Q1 and Q2, the Directorate was in the midst of staff turnover as well as its strategy to eliminate all outstanding deemed refusals. While completing these backlog requests as swiftly as possible, the Directorate received an increase in the number of new access to information and privacy requests. In fact, in Q1 alone there were as many new formal privacy requests received in three months as there were during the entire 2010-2011 fiscal year. As such, 17 files, five of which were already late at the start of 2011-2012, were completed after their deadline (Table 2.6.1).

**Table 2.6.1. Reasons for not meeting statutory deadline**

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
17	17	0	0	0

### 2.6.2 Number of days past deadline

Of the 17 deemed refusals reported during 2011-2012, nine were completed after their extended deadline (Table 2.6.2). For the remaining eight requests, no extensions had been taken (three of these requests were carried over from 2010-2011).

**Table 2.6.2. Number of days requests were closed past their statutory deadline**

Number of days past deadline	Number of requests past deadline		Total
	where no extension was taken	where an extension was taken	
1 to 15 days	2	2	4
16 to 30 days	2	4	6
31 to 60 days	0	0	0
61 to 120 days	2	1	3
121 to 180 days	2	1	3
181 to 365 days	0	1	1
More than 365 days	0	0	0
<b>Total</b>	<b>8</b>	<b>9</b>	<b>17</b>

### 2.7 Requests for translation

In 2011-2012, there were three occasions where responsive records were translated from English to French at the request of the applicant.

**Table 2.7. Requests for translation**

Translation Requests	Accepted	Refused	Total
English to French	3	0	3
French to English	0	0	0
<b>Total</b>	<b>3</b>	<b>0</b>	<b>3</b>

### Part 3. Disclosures under subsection 8(2)

AANDC is permitted to disclose personal information under subsection 8(2) of the *Act* (see Section V for more detail). Under paragraph 8(2)(e), personal information may be disclosed "to and investigative body [...] for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation...". In 2011-2012, AANDC made 96 disclosures within this context. The ATIP Directorate also disclosed personal information verifying Indian status on four occasions under 8(2)(m), "where, in the opinion of the head of this institution, (i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or (ii) disclosure would clearly benefit the individual to whom the information relates". On each of these 4 occasions, AANDC notified the Privacy Commissioner of Canada, as required by section 8.

**Table 3. Disclosures of personal information permissible under subsection 8(2)**

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Total
96	4	100

### Part 4. Requests for correction of personal information and notations

During the reporting period, there were no requests for correction of personal information and notations.

### Part 5. Extensions

#### 5.1 Reasons for extensions and disposition of requests

The most frequent reason for extending the statutory timeline of requests was due to interference with operations, pursuant to Section 15(a)(i) of the *Act*. These extensions were applied in 45 instances; the requests where these extensions were taken resulted in dispositions of 'All disclosed' or 'Disclosed in part' in 88.2% of cases. Extensions were also applied in situations where external consultations were required (4 occasions). In general, where an extension was taken under section of 15, the responsive records were either 'All disclosed' or 'Disclosed in part' 85.5% of the time.

**Table 5.1. Reasons for extensions and disposition of requests**

Disposition of requests where an extension was taken	15(a)(i) Interference with Operations	15(a)(ii) Consultation		15(b) Translation or conversation
		Section 70	Other	
All disclosed	8	0	0	0
Disclosed in part	37	0	2	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	3	0	2	0
Request abandoned	3	0	0	0
<b>Total</b>	<b>51</b>	<b>0</b>	<b>4</b>	<b>0</b>

**5.2 Length of extensions**

Nearly every extension applied during the reporting period (53 of 55, or 96.4%) was between 16 to 30 days in length (Table 5.2).

**Table 5.2. Length of extensions**

Length of extension	15(1)(i) Interference with Operations	15(a)(ii) Consultation		15(b)
		Section 70	Other	
1 to 15 days	2	0	0	0
16 to 30 days	49	0	4	0
<b>Total</b>	<b>51</b>	<b>0</b>	<b>4</b>	<b>0</b>

**Part 6. Consultations received from other institutions and organizations**

During the reporting period, no consultation requests were received from other government institutions and organizations.

**Part 7. Completion time of consultations on Cabinet confidences**

During the reporting period, no consultations on the application of section 70 of the *Act* were sent to the Cabinet Confidences Section of the Privy Council Office.



## Part 8. Resources related to the *Privacy Act*

### 8.1 Costs

In total, AANDC spent \$729,683 on the administration of the *PA* in 2011-2012 (Table 8.1). This is a relatively small increase (\$28,248 or 4.0%) from the \$701,435 reported in 2010-2011. The ATIP Directorate devoted \$554,520 in salary during the reporting period, which was \$55,760 (9.1%) less than the amount spent in 2010-2011. To aid in the analysis and review of privacy requests during periods of high volume, \$142,600 was spent on professional services contractors and consultants from temporary help agencies.

**Table 8.1. Costs for the administration of the *Privacy Act***

Expenditures		Amount
Salaries		\$554,520
Overtime		\$0
Goods and Services		\$175,163
> Contracts for privacy impact assessments		\$0
> Professional services contracts		\$142,600
> Other		\$32,563
Total		\$729,683

### 8.2 Human Resources

The Privacy Policy Unit consisted of five full-time employees dedicated full-time to privacy activities, in addition to 13 full-time employees within the Operations Unit who were dedicated part-time to processing privacy requests (Table 8.2). Over 2011-2012, 10 consultants were hired – one was dedicated full-time to privacy activities while the other nine were split between access and privacy requests.

**Table 8.2. Human resources dedicated to the administration of the *Privacy Act***

Resources	Dedicated full-time to privacy activities	Dedicated part-time to privacy activities	Total
Full-time employees	5	13	18
Part-time and casual employees	0	1	1
Regional staff	0	0	0
Consultants and agency personnel	1	9	10
Students	0	0	0
<b>Total</b>	<b>6</b>	<b>23</b>	<b>29</b>

## V. Disclosure of Personal Information

Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with subsection 8(1) of the *Act*. Further to the 222 formal requests that were processed in 2011-2012, there were also disclosures of personal information made pursuant to the paragraphs under subsection 8(2) of the *Act* (Table V). The most frequent types of disclosure were under paragraphs 8(2)(e), 8(2)(f) and 8(2)(d), which accounted for 86.7% of the disclosures made during the reporting period. Under paragraph 8(2)(e), personal information may be disclosed "to an investigative body [...] for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation...". Under paragraph 8(2)(f), personal information may be disclosed "under an agreement or arrangement between the Government of Canada [...] and the government of a province [or territory] [...] for the purpose of administering or enforcing any law or carrying out a lawful investigation. Under paragraph 8(2)(d), personal information may be disclosed "to the Attorney General of Canada for use in legal proceedings involving the Crown in right of Canada or the Government Canada".



**Table V. Disclosures of personal information permissible under subsection 8(2) of the *Privacy Act***

Paragraph	Number of Disclosures	Percentage (%)
8(2)(a)	11	3.6
8(2)(b)	0	0
8(2)(c)	0	0
8(2)(d)	81	26.2
8(2)(e)	96	31.1
8(2)(f)	91	29.5
8(2)(g)	0	0
8(2)(h)	0	0
8(2)(i)	0	0
8(2)(j)	2	0.6
8(2)(k)	22	7.1
8(2)(l)	2	0.6
8(2)(m)	4	1.3
<b>Total</b>	<b>309</b>	<b>100</b>

## VI. Other ATIP Directorate Functions

The ATIP Directorate also processes other types of files beyond formal requests submitted under the *Act*. These include informal requests from members of the public as well as various services provided internally to the Department.

Altogether, the Operations Unit processed 443 informal privacy-related requests. The most frequent type of request received over this reporting period has been requests for records pertaining to the Indian Residential Schools Settlement Agreement (including Common Experience Payment and Independent Assessment Process documents).

The Privacy Policy Unit handles a plethora of requests from internal clients within the Department, including policy questions, review DCIs and development of appropriate Privacy Statements, evaluation of existing MOUs and support in addressing and containing potential privacy breaches.

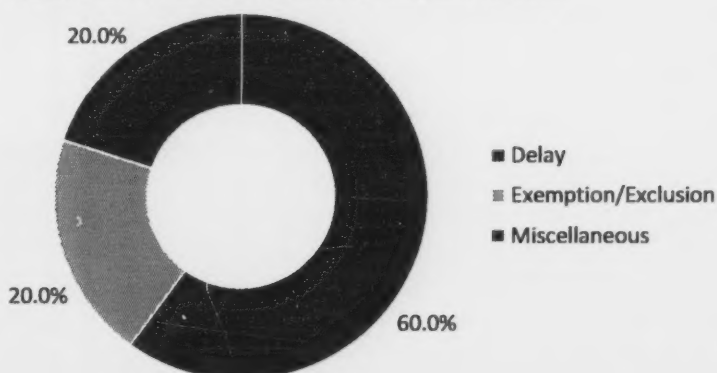
## VII. Complaints and Investigations

During the 2011-2012 reporting period, five complaints were filed with the Office of the Privacy Commissioner of Canada (OPC) in relation to the processing of requests under the *Act* (Table VI.1 and Figure VI.1).

**Table VII.1. Number of complaints received**

Type of Complaint	Number of Complaints
Delay	3
Exemption/Exclusion	1
Miscellaneous	1
<b>Total</b>	<b>5</b>

**Figure VII.1. Percent distribution of complaint reasons**



Upon investigation by the OPC, each of these five complaints were concluded to be well-founded and were resolved by AANDC before the close of the 2011-2012 fiscal year.

## VIII. Privacy Impact Assessments

A PIA is a step-by-step evaluation of the flow of personal information held within a given program or service. This process enables the Department to determine whether new technologies, information systems, initiatives, and proposed programs or policies meet federal government privacy requirements.

During the 2011-2012 reporting period, the Privacy Policy Unit processed three preliminary PIAs and determined that a full-scale assessment was unnecessary for these particular cases (Table VIII.1). No PIAs were initiated during the reporting period.

**Table VIII.1. Number of Privacy Impact Assessments Initiated and Completed**

Privacy Impact Assessments	Number of Privacy Impact Assessments
Initiated during the reporting period	0
Completed during the reporting period	0*

\* A PIA is not considered to be completed until the final, approved copy including all eight sections outlined in Appendix C of the Directive has been sent to both the Office of the Privacy Commissioner and to the Information and Privacy Policy Division, Treasury Board Secretariat.

# HIGHLIGHTS

## IX. 2011-2012 Points of Interest

### Full Compliance with the *Privacy Act*

Despite a sharp incline in the number of requests received under the *Act* this year, combined with a large workload of new and backlog access to information requests, the ATIP Directorate was successful in achieving full compliance with the *Act* starting in Q3 and lowered AANDC's deemed refusal rate to 13.3% over the entire year (compared to a 44.3% rate in 2010-2011). AANDC is committed to maintaining this high level of compliance in 2012-2013 and senior management continues its strong support and leadership on this front.

### Reconstitution of Privacy Policy Unit

In the first half of 2011-2012, the ATIP Directorate faced a number of staff departures that greatly affected the operations of the Privacy Policy Unit. Beginning in Q3, the Privacy Policy Unit was reconstituted by staffing vacant four key positions, including the team leader, two senior-level officer positions, one junior officer and administrative support. In Q4, a consultant was hired to review all MOUs between AANDC and other organizations related to the sharing of personal information. These MOUs will be validated and re-assessed during 2012-2013.

### Info Source

To fulfill the requirements of Management Accountability Framework (MAF) Area of Management (AoM) 12.5 criteria, extensive effort was made to ensure all PIBs and CORs were updated and registered in accordance with TBS policy. In total, one new PIB was registered with TBS while 11 updates to pre-existing PIBs were approved by TBS during 2011-2012. The Department's 2010-2011 Info Source chapter was submitted to TBS on September 23, 2011 and met all mandatory requirements set out by TBS.

### Development of Guidelines

Over the course of the reporting period, the Privacy Policy Unit established several key privacy policy guidelines (see Section X for further detail).

### Education and Training

Educating staff on the *Act* as well as its implications on the Department and its functions are of paramount importance to AANDC.

It has become clear in recent years that the collection and privacy of personal information is of great interest and concern to the Canadian public. Transparency, accountability and speed of service with respect to providing

individuals with access to their own personal information are some of the key areas of focus in AANDC's training efforts.

With a solid understanding of the *Act*, staff is better able to recognize what is personal information and make informed policies decisions and changes to processes. As such, AANDC has made it a priority to train staff on understanding and implementing the TBS policies and procedures related to the *PA* and meet the acceptable criteria for institutional ATIP capacity set out within MAF AoM 12.6.

In total, the ATIP Directorate held 59 training sessions (over 800 employees, including headquarters and regional offices) on both the *Access to Information Act* and *Privacy Act* as part of its AANDC-wide training plan.

## **X. Changes to the Organization, Policies, Guidelines and Procedures**

### **Organization Changes**

As described above, several key positions were staffed during the reporting period. The Directorate still faces the challenge of filling certain vacant positions within the Privacy Policy Unit, but there were no integral changes to the organizational structure overall.

### **Revised Privacy Guidelines**

Upon its reconstitution, the Privacy Policy Unit revised and re-established several key procedures and guidelines related to its business. Guidelines for the processing of permissible disclosures under subsection 8(2) of the *Act*, Privacy Statements, and PIAs were all revised to facilitate consistency throughout the Department as well as timely service to the clients of the Privacy Policy Unit. In addition, departmental Info Source and Privacy Breach guidelines were developed to aid AANDC's program areas in their responsibilities related to collecting and protecting personal information.

### **Procedural Changes**

AANDC implemented the following procedural changes during the reporting period:

#### **> Updated Accountability Reporting to Senior Management**

As an accountability measure within the Department, the ATIP Directorate produces a monthly report to Senior Management Committee (SMC) indicating sector and regional office performance with respect to the retrieval of records. This report was revised in Q3 for greater accuracy and tracks the number of on-time and late retrieval

responses per month. The report also captures workload and performance trends over multiple months and fiscal years.

#### **> Internal Advisory Process**

In Q4, the ATIP Directorate revised its internal advisory process and mapped out the critical processes involved in completing formal requests. This pathway denotes the key roles, actions and timeframes that Departmental staff is responsible for in responding to a request under the *Act*. This pathway was approved by the Associate Deputy Minister and circulated to Senior Management Committee Members.

#### **> Sector Sign-off**

At the request of senior management, the ATIP Directorate implemented a process to ensure all callouts for records were signed off at the ADM level. In this way, AANDC has ensured that the set of records provided by each sector is complete and benefits from high level recommendations.

#### **> 5 and 7 Day Reminder System**

Integrated into the critical pathway of formal requests is a reminder system to advise sectors of their impending due dates for record retrieval. When the ATIP Directorate tasks a sector with retrieving records that are relevant to a request, the sector is given seven calendar days to complete an Impact Statement and provide these records. During this timeframe, the Intake Unit will send email reminders to sector ATIP Liaison Officers (ALOs) on the fifth and seventh days to ensure that ALOs are aware of approaching deadlines.

#### **> Monday Management Meetings**

At the beginning of each week, the management team of the ATIP Directorate meets to focus on upcoming files, ensuring that requests are on track and that impending releases are completed within the statutory deadline.

# APPENDIX A

Order of Delegation of the *Privacy Act* dated November 3, 2010.

Ministre des Affaires indiennes et  
du Nord canadien, Interlocuteur fédéral  
auprès des Métis et des Indiens non inscrits et  
ministre de l'Agence canadienne de développement  
économique du Nord



Ottawa, Canada K1A 0H4

Minister of Indian Affairs and  
Northern Development, Federal Interlocutor  
for Métis and Non-Status Indians and  
Minister of the Canadian Northern Economic  
Development Agency

NOV - 3 2010

**Loi sur la protection des  
renseignements personnels -  
Ordonnance de délégation de  
pouvoirs**

En application des pouvoirs de désignation qui me sont conférés en vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, j'autorise par la présente les employés exerçant des fonctions ou occupant le poste de Secrétaire du ministère, secrétariat du ministère (numéro de poste 12294), le coordonnateur / gestionnaire (numéro de poste 62185) de l'accès à l'information et de la protection des renseignements personnels et les employés qui les succéderont, y compris les employés qui les remplacent en leur absence, ou toute personne ou agent désigné par écrit pour les remplacer à exercer ces pouvoirs, responsabilités ou fonctions dévolus au ministre en tant que Chef de cette institution administrative en vertu de la *loi*, et tels qu'énoncés dans l'annexe A, ci-jointe.

J'autorise par la présente les conseillers principaux de la direction d'accès à l'information et de la protection des renseignements personnels (numéros de postes 62364, 12590 et 12061) ainsi que

**Privacy Act -  
Delegation Order**

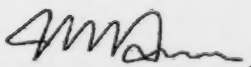
Pursuant to the powers of designation conferred upon me by Section 73 of the *Privacy Act*, the persons exercising the functions or positions of Corporate Secretary, Corporate Secretariat (position number 12294), and the departmental Access to Information and Privacy Coordinator / Manager (position number 62185) and their respective successors, including in their absence, a person or officer designated in writing to act in the place of the holder of any such functions or positions are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the *Act*, and as set out in the attached Schedule A.

The departmental Access to Information and Privacy Senior Advisors (position numbers 62364, 12590 and 12061) and their respective successors, including in her/his absence, a person or officer

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ceux qui les succéderont, y compris, en leur absence, toute personne ou agent désigné par écrit pour agir en son nom, à exercer les pouvoirs, les responsabilités ou les fonctions dévolues au ministre en tant que Chef de cette institution administrative du gouvernement en vertu de la *loi* et tels que qu'énoncés dans l'annexe B, ci-jointe.

designated in writing as being authorized to act in the place of the holder of any such function or position, are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the *Act*, and as set out in the attached Schedule B.



Ministre des Affaires indiennes et du Nord Canadien  
Minister of Indian Affairs and Northern Development

Signé à Gatineau, le 2010  
Dated at Gatineau, the 3rd of November 2010



## **SCHEDULE A**

### **DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT** **SCHEDULE TO DELEGATION ORDER**

#### **DESIGNATION PURSUANT TO SECTION 73 OF THE *PRIVACY ACT***

##### **Sections and Powers, Duties or Functions**

- 8(2) Disclose personal information without the consent of the individual to whom it relates
- 8(4) Keep copies of requests made under 8(2)(e), keep records of information disclosed pursuant to such requests and to make those records available to Privacy Commissioner
- 8(5) Notify the Privacy Commissioner in writing of disclosure under paragraph 8(2)(m)
- 9(1) Retain a record of use of personal information
- 9(4) Notify the Privacy Commissioner of consistent use of personal information and update index accordingly
- 10 Include personal information in personal information banks
- 11(a) Publish annually an index of all personal information banks and their respective contents
- 11(b) Publish annually an index of all personal information held by the institution which is not part of a bank
- 14 Respond to request for access, within statutory deadline; give access or give notice
- 15 Extend time limit and notify applicant
- 16 Where access is refused
- 17(2)(b) Language of access or alternative format of access
- 17(3)(b) Access to personal information in alternative format
- 18(2) May refuse to disclose information contained in an exempt bank
- 19(1) Shall refuse to disclose information obtained in confidence from another government
- 19(2) May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public
- 20 May refuse to disclose information injurious to federal-provincial affairs
- 21 May refuse to disclose information injurious to international affairs and/or defence
- 22 May refuse to disclose information injurious to law enforcement and investigation
- 23 May refuse to disclose information injurious to security clearances
- 24 May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board
- 25 May refuse to disclose information injurious to which could threaten the safety of individuals
- 26 May refuse to disclose information about other individuals, and shall refuse to disclose such information where disclosure is prohibited under section 8
- 27 May refuse to disclose information subject to solicitor-client privilege



- 28 May refuse to disclose information relating to an individual's physical or mental health where disclosure is contrary to the best interests of the individual
- 31 Receive notice of investigation by the Privacy Commissioner
- 33(2) Make representations to the Privacy Commissioner during an investigation
- 35(1) Receive the Privacy Commissioner's report of findings of the investigation and give notice of action taken
- 35(4) Give complainant access to information after 35(1)(b) notice
- 36(3) Receive Privacy Commissioner's report of findings of investigation of exempt
- 37(3) Receive report of Privacy Commissioner's findings after compliance investigation where the institution has not complied with sections 4 to 8
- 51(2)(b) Request that matter be heard and determined in National Capital Region
- 51(3) Request and be given right to make representations in Section 51 hearing
- 72(1) Prepare Annual Report to Parliament
- 77 Carry out responsibilities conferred on the Head of the institution by the regulations made under section 77 which are not included above

## **SCHEDULE B**

### **DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT**

#### **SCHEDULE TO DELEGATION ORDER**

#### **DESIGNATION PURSUANT TO SECTION 73 OF THE *PRIVACY ACT***

##### **Sections and Powers, Duties or Functions**

- 10 Include personal information in personal information banks
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- 31 Receive notice of investigation by the Privacy Commissioner

# APPENDIX B

## Order of Delegation of the *Privacy Act* dated August 30, 2011.

Ministre des Affaires indiennes et  
du Nord canadien et interlocuteur fédéral  
auprès des Métis et des Indiens non inscrits



Minister of Indian Affairs and  
Northern Development and Federal In-  
terlocutor for Métis and Non-Status Indians

Ottawa, Canada K1A 0H4

**Loi sur la protection des  
renseignements personnels -  
Ordonnance de délégation de pouvoirs**

En application des pouvoirs de désignation qui me sont conférés en vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, j'autorise par la présente les employés exerçant des fonctions ou occupant le poste de sous-ministre (numéro de poste 00001), sous-ministre délégué(e) (numéro de poste 00000006), bureau du sous-ministre, secrétaire du Ministère (numéro de poste 12294), secrétariat du Ministère, coordonnateur/directrice (numéro de poste 20003872) de l'Accès à l'information et de la protection des renseignements personnels et les employés qui les succéderont, y compris les employés qui les remplacent en leur absence, ou toute personne ou agent désigné par écrit pour les remplacer à exercer ces pouvoirs, responsabilités ou fonctions dévolus au ministre en tant que chef de cette institution administrative en vertu de la Loi, et tel qu'énoncés dans l'annexe A ci-jointe.

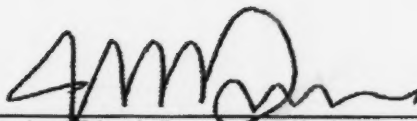
J'autorise par la présente les conseillers principaux de l'Accès à l'information et de la protection des renseignements personnels (numéros de postes 62384, 12590 et 12061) et ceux qui les succéderont, y compris, en leur absence, toute personne ou agent désigné par écrit pour agir en son nom, à exercer les pouvoirs, les responsabilités ou les fonctions dévolues au ministre en tant que chef de cette institution administrative du gouvernement en vertu de la Loi et tel qu'énoncés dans l'annexe B ci-jointe.

**Privacy Act -  
Delegation Order**

Pursuant to the powers of designation conferred upon me by Section 73 of the *Privacy Act*, the persons exercising the functions or positions of Deputy Minister (position number 00001), Associate Deputy Minister (position number 00000006), Deputy Minister's office, Corporate Secretary (position number 12294), Corporate Secretariat, and the departmental Access to Information and Privacy Coordinator/Director (position number 20003872) and their respective successors, including in their absence, a person or officer designated in writing to act in the place of the holder of any such functions or positions are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the Act, and as set out in the attached Schedule A.

The departmental Access to Information and Privacy Senior Advisors (position numbers 62384, 12590 and 12061) and their respective successors, including in her/his absence, a person or officer designated in writing as being authorized to act in the place of the holder of any such function or position, are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the Act, and as set out in the attached Schedule B.

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Ministre des Affaires indiennes et du développement du Nord  
Minister of Indian Affairs and Northern Development

Signé à Gatineau, le 3. of Aug 2011  
Dated at Gatineau, the 3. of Aug 2011

## **SCHEDULE A**

### **DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT**

#### **SCHEDULE TO DELEGATION ORDER**

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- 37(3) Receive report of Privacy Commissioner's findings after compliance investigation where the institution has not complied with sections 4 to 8
- 51(2)(b) Request that matter be heard and determined in National Capital Region
- 51(3) Request and be given right to make representations in Section 51 hearing
- 72(1) Prepare Annual Report to Parliament
- 77 Carry out responsibilities conferred on the Head of the institution by the regulations made under section 77 which are not included above

## **SCHEDULE B**

### **DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT** **SCHEDULE TO DELEGATION ORDER**

#### **DESIGNATION PURSUANT TO SECTION 73 OF THE *PRIVACY ACT***

#### **Sections and Powers, Duties or Functions**

- 10 Include personal information in personal information banks
- 11(a) Publish annually an index of all personal information banks and their respective contents
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- 31 Receive notice of investigation by the Privacy Commissioner

# APPENDIX C

## AANDC 2011-2012 Statistical Report on the Administration of the *Privacy Act*.



Government of Canada  
Gouvernement du Canada

### Statistical Report on the *Privacy Act*

Name of institution: Aboriginal Affairs and Northern Development Canada

Reporting period: 4/1/2011 to 3/31/2012

#### PART 1 - Requests under the *Access to Information Act*

	Number of Requests
Received during reporting period	237
Outstanding from previous reporting period	15
<b>Total</b>	<b>252</b>
Closed during reporting period	222
Carried over to next reporting period	30

#### PART 2 - Requests closed during the reporting period

##### 2.1 Disposition and completion time

Disposition of requests	Completion Time							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
All disclosed	7	9	5	1	1	0	0	23
Disclosed in part	6	82	26	10	0	3	0	127
All exempted	1	0	0	0	1	0	0	2
All excluded	0	0	0	0	0	0	0	0
No records exist	12	30	7	0	1	0	0	50
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	14	3	3	0	0	0	0	20
<b>Total</b>	<b>40</b>	<b>124</b>	<b>41</b>	<b>11</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>222</b>

##### 2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests
18(2)	0	22(1)(e)(i)	1	23(a)	0
19(1)(a)	0	22(1)(e)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(e)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	1	24(b)	0
19(1)(d)	1	22(1)(c)	1	25	0
19(1)(e)	0	22(2)	0	26	114
19(1)(f)	0	22.1	0	27	3
20	0	22.2	0	28	0
21	0	22.3	0		

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##### 2.3 Exclusions

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Section	Number of requests	Section	Number of requests	Section	Number of requests
69(1)(a)	0	70(1)(a)	0	70(1)(d)	0
69(1)(b)	0	70(1)(b)	0	70(1)(e)	0
69.1	0	70(1)(c)	0	70(1)(f)	0
				70.1	0

#### 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	2	21	0
Disclosed in part	4	123	0
Total	6	144	0

#### 2.5 Complexity

##### 2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	1901	773	23
Disclosed in part	40014	12542	127
All exempted	27	0	2
All excluded	0	0	0
Request abandoned	8	0	20

##### 2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed
All disclosed	19	193	3	520	1	60	0	0	0	0
Disclosed in part	79	1109	37	4604	6	1901	5	4928	0	0
All exempted	2	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	20	0	0	0	0	0	0	0	0	0
Total	120	1302	40	5124	7	1961	5	4928	0	0



Disposition	Consultation required	Legal advice sought	Interwoven information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	4	0	0	0	4
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>

## 2.5 Deemed refusals

### 2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
17	17	0	0	0

### 2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	2	2	4
16 to 30 days	2	4	6
31 to 60 days	0	0	0
61 to 120 days	2	1	3
121 to 180 days	2	1	3
181 to 365 days	0	1	1
More than 365 days	0	0	0
<b>Total</b>	<b>8</b>	<b>9</b>	<b>17</b>

## 2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	3	0	3
French to English	0	0	0
<b>Total</b>	<b>3</b>	<b>0</b>	<b>3</b>

## PART 3 – Disclosures under subsection 8(2)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Total
96	4	100

## PART 4 – Requests for correction of personal information and notations



	Number
Requests for correction received	0
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	0

## **PART 5 – Extensions**

### **5.1 Reasons for extensions and disposition of requests**

Disposition of requests where an extension was taken	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversation
		Section 70	Other	
All disclosed	8	0	0	0
Disclosed in part	37	0	2	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	3	0	2	0
Request abandoned	3	0	0	0
<b>Total</b>	<b>51</b>	<b>0</b>	<b>4</b>	<b>0</b>

### **5.2 Length of extensions**

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	2	0	0	0
16 to 30 days	49	0	4	0
<b>Total</b>	<b>51</b>	<b>0</b>	<b>4</b>	<b>0</b>

## PART 6 – Consultations received from other institutions and organizations

### 6.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	0	0

### 6.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0

### 6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0	0	0

**PART 7 – Completion time of consultations on Cabinet confidences**

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

**PART 8 – Resources related to the Privacy Act****8.1 Costs**

Expenditures		Amount
Salaries		\$554,520
Overtime		\$0
Goods and Services		\$175,163
• Contracts for privacy impact assessments	\$0	
• Professional services contracts	\$142,600	
• Other	\$32,563	
<b>Total</b>		<b>\$729,683</b>

**8.2 Human Resources**

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	5	13	18
Part-time and casual employees	0	1	1
Regional staff	0	0	0
Consultants and agency personnel	1	9	10
Students	0	0	0
<b>Total</b>	<b>6</b>	<b>23</b>	<b>29</b>

#### Appendix A – Additional Reporting Requirements

Privacy Impact Assessments initiated	0
Privacy Impact Assessments completed	0*

\* A Privacy Impact Assessment is not considered to be completed until the final, approved copy including all eight sections outlined in Appendix C of the Directive has been sent to both the Office of the Privacy Commissioner and to the Information and Privacy Policy Division, Treasury Board Secretariat. During the 2011-2012 reporting period, the Privacy Policy Unit processed three preliminary PIAs and determined that a full-scale assessment was unnecessary for these particular cases.